

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NICHOLAS JOHN ROSS,

Petitioner,

v.

ORDER
CIVIL FILE NO. 08-1325 (MJD/AJB)

DWIGHT L. FONDREN,

Defendant.

Nicholas John Ross, pro se, Counsel for Petitioner.

Nancy E. Brasel, Office of the United States Attorney, Counsel for Defendant.

This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated July 31, 2008. [Docket No. 15]. Petitioner Nicholas John Ross filed an objection to the Report and Recommendation. [Docket No. 16]. Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation, with the exception that, on the second line of the third paragraph of page six, "U.S.S.G. § 5G1.3(c)" is changed to read "U.S.S.G. § 5G1.3(b)."

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated July 31, 2008 [Docket No. 15], with the exception that, on the second line of the third paragraph of page six, "U.S.S.G. § 5G1.3(c)" is changed to read "U.S.S.G. § 5G1.3(b)."
2. Petitioner's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Docket No. 1] is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date October 28, 2008

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court